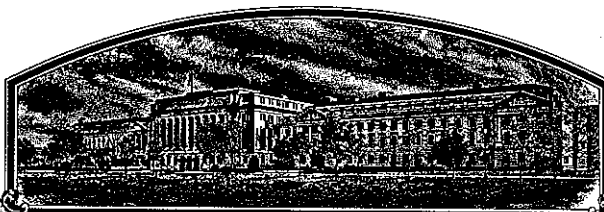


No.

8000092



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Wilbur-Ellis Company**

Whereas, THERE HAS BEEN PRESENTED TO THE

**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. ANY SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS OF THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BARLEY

'Poco'

Attest:

*Kenneth A. Evans*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 31st day of May in the year of our Lord one thousand nine hundred and eighty-five.

*John R. Block*  
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED  
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY		1b. VARIETY NAME  Poco		FOR OFFICIAL USE ONLY PV NUMBER 8000092	
2. KIND NAME  Barley		3. GENUS AND SPECIES NAME  <u>Hordeum vulgare</u>		FILING DATE 4/18/80	TIME 12:00 <u>P.M.</u>
4. FAMILY NAME (BOTANICAL)  Graminae		5. DATE OF DETERMINATION  May, 1979		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 4/18/80 4/16/85
6. NAME OF APPLICANT(S) <del>Anderson, Clayton &amp; Co.</del> Oilseed Processing Division <u>WILBUR-ELLES COMPANY</u>		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)  P. O. Box 2988 Phoenix, AZ 85062		8. TELEPHONE AREA CODE AND NUMBER <del>602-937-9347</del> <del>602-264-7255</del> <del>602-892-6000</del>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.)  Corporation			10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION  Delaware		11. DATE OF INCORPORATION  1929

12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS:  
~~Anderson, Clayton & Co., Oilseed Processing Division~~  
P. O. Box 2988  
Phoenix, AZ 85062  
D. G. LORANCE  
WILBUR-ELLES COMPANY  
P.O. BOX 699, GLENDALE, AZ 85011

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)

☒ 13B. Exhibit B, Novelty Statement.

☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)

☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☒ YES ☒ NO 2/22/84

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☒ YES ☒ NO 2/22/84

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED? ☒ FOUNDATION ☒ REGISTERED ☒ CERTIFIED 2/22/84

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

ANDERSON, CLAYTON & CO., Oilseed Processing D

4/10/80  
(DATE)

D. G. LORANCE  
(SIGNATURE OF APPLICANT)

D. G. LORANCE, Agronomist/Seed Breeder

(DATE)

(SIGNATURE OF APPLICANT)

12:00 pm

APR 18 1980

## INSTRUCTIONS

**GENERAL:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

### ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

8000092

Origin and Breeding History

1. "Poco" originated as a selection from barley obtained from the International Maize and Wheat Improvement Center (CIMMYT), Mexico, in 1976. The parentage and pedigree, as designated by CIMMYT, was:

Hja C4715 x OLLi-M64-9  
CMB 73-373-2Y-2B-Y-OB  
PC 238  
Y-75-76

2. Shortest, earliest plants were selected and bulked at Plainview, Texas in late 1976, Mesa, Arizona in early 1977 and Huntley, Montana in late 1977. In early 1978, large headed selections were made at Mesa, Arizona. "Poco" resulted from further screening-increase plantings at Mesa, Arizona in early 1979, Huntley, Montana in late 1979 and Chandler, Arizona in early 1980.
3. The genotype has been stable for the past three generations.

ADDENDUM TO EXHIBIT A

No variants occur during reproduction and multiplication of the variety.

Novelty Statement

"Poco" most closely resembles "California Mariout", except (1) it has purple awn tips, (2) it is 11 days earlier from seeding to 50% heading, and (3) it averages 66 cm. shorter in height.

Attachment I shows a comparison between "Poco" and "California Mariout" for some agronomic and yield data.

ATTACHMENT I TO REVISED  
EXHIBIT B

Comparison of Agronomic and Yield Data  
for "Poco" and "California Mariout" Barleys  
on Three Dates of Planting at Mesa, Arizona

<u>Variety</u>	<u>Date Planted</u>	<u>Date 50% Headed</u>	<u>Date of Maturity</u>	<u>Plant Height (cm)</u>	<u>Seed Yield #'s/Acre</u>	<u>Test Weight #'s/Bu.</u>
Poco	11/7/78	3/1/79	4/23/79	49	4923	48.0
	12/28/78	3/14/79	5/10/79	51	4578	51.5
	2/8/79	4/8/79	5/15/79	51	4041	47.5
California Mariout	11/7/78	3/14/79	4/30/79	98	4669	49.0
	12/28/78	3/27/79	5/17/79	132	4115	49.5
	2/8/79	4/13/79	5/22/79	119	4024	47.5

OBJECTIVE DESCRIPTION OF VARIETY  
BARLEY (HORDEUM VULGARE)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

Anderson, Clayton &amp; Co., Oilseed Processing Division

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P. O. Box 2988

Phoenix, AZ 85062

## FOR OFFICIAL USE ONLY

PVPO NUMBER

8000092

VARIETY NAME OR TEMPORARY  
DESIGNATION

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (i.e.,  or ) when number is either 99 or less or 9 or less.

## 1. GROWTH HABIT:

1 = SPRING 2 = FACULTATIVE WINTER 3 = WINTER

Early Growth: 1 = PROSTRATE 2 = SEMIPROSTRATE  
3 = ERECT

## 2. MATURITY (50% Flowering):

1 = EARLY (California Mariout) 2 = MIDSEASON (Betzes) 3 = LATE (Frontier)

No. of days Earlier than .....

1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON

No. of days Later than .....

5 = PIROLINE 6 = PRIMUS 7 = UNITAN

## 3. PLANT HEIGHT (From soil level to top of head):

1 = SEMIDWARF 2 = SHORT (California Mariout) 3 = MEDIUM TALL (Betzes) 4 = TALL (Conquest)

Cm. Shorter than .....

1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON

Cm. Taller than .....

5 = PIROLINE 6 = PRIMUS 7 = UNITAN

## 4. STEM:

Exertion (Flag to spike at maturity):

1 = 0 - 3 cm. 2 = 3 - 10 cm.  
3 = 10 - 15 cm.

Anthocyanin: 1 = ABSENT 2 = PRESENT

NO. OF NODES (Originating from node above ground)

Collar Shape:

1 = CLOSED 2 = V-SHAPED 3 = OPEN  
4 = MODIFIED CLOSED OR OPEN

Shape of Neck:

1 = STRAIGHT 2 = SNAKY  
3 = OTHER (Specify)

## 5. LEAF:

Basal leaf sheath (seedling):

1 = GLABROUS 2 = PUBESCENT

Position of flag leaf (at boot stage):

1 = DROOPING  
2 = UPRIGHT

Waxiness:

1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY  
3 = WAXY

MM. WIDTH (First leaf below flag leaf)

CM. LENGTH (First leaf below flag leaf)

Anthocyanin in leaf sheath:

1 = ABSENT 2 = PRESENT

## 6. HEAD:

Type:

1 = TWO-ROWED 2 = SIX-ROWED

Density:

1 = LAX 2 = ERECT (Not dense)  
3 = ERECT (Dense)

Shape:

1 = TAPERING 2 = STRAP 3 = CLAVATE  
4 = OTHER (Specify)

Waxiness:

1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY  
3 = WAXY

Lateral Kernels Overlap:

1 = NONE 2 = AT TIP  
3 = 1/4 - 1/2 OF HEAD

Rachis (Hair on edge):

1 = LACKING 2 = FEW 3 = COVERED

## 7. GLUME:

Length:

1 = 1/3 OF LEMMA 2 = 1/2 OF LEMMA  
3 = MORE THAN 1/2 OF LEMMA

Hairs:

1 = NONE 2 = SHORT 3 = LONG

Hair covering:

1 = NONE 2 = RESTRICTED TO MIDDLE 3 = CONFINED TO BAND 4 = COMPLETELY COVERED

Awn:

1 = LESS THAN EQUAL TO LENGTH OF GLUMES 2 = EQUAL TO LENGTH OF GLUMES  
3 = MORE THAN EQUAL TO LENGTH OF GLUMES

Awn Surface:

1 = SMOOTH 2 = SEMISMOOTH 3 = ROUGH



## 8. LEMMA:

☐ 5 Awn: 1 = AWNLESS 2 = AWNLETS ON CENTRAL ROWS, AWNLESS ON LATERAL ROWS  
 3 = SHORT ON CENTRAL ROWS, AWNLETS ON LATERAL ROWS 4 = SHORT (less than equal to length of spike)  
 5 = LONG (longer than spike) 6 = HOODED

☐ 3 Awn Surface: 0 = AWNLESS 1 = SMOOTH 2 = SEMISMOOTH 3 = ROUGH

☐ 2 Teeth: 1 = ABSENT 2 = FEW 3 = NUMEROUS ☐ 1 Hair: 1 = ABSENT 2 = PRESENT

☐ 2 Shape of base: 1 = DEPRESSION 2 = SLIGHT CREASE ☐ 1 Rachilla Hairs: 1 = SHORT 2 = LONG  
 3 = TRANSVERSE CREASE

## 9. STIGMA:

☐ 2 Hairs: 1 = FEW 2 = MANY

## 10. SEED:

☐ 2 Type: 1 = NAKED 2 = COVERED ☐ 1 Hairs on Ventral Furrow: 1 = ABSENT 2 = PRESENT

☒ 2 Length: 1 = SHORT (8.0 mm.) 2 = SHORT TO MIDLONG (7.5 - 9.0 mm.) 3 = MIDLONG (8.5 - 9.5 mm.)  
 4 = MIDLONG TO LONG (9.0 - 10.5 mm.) 5 = LONG (10.0 mm.)

☐ 2 Wrinkling of hull: 1 = NAKED 2 = SLIGHTLY WRINKLED 3 = SEMIWRINKLED 4 = WRINKLED

☐ 1 Aleurone Color: 1 = COLORLESS (White or Yellow) 2 = BLUE

☐ 0 ☐ 0 PERCENT ABORTIVE ☐ 4 ☐ 2 GMS. PER 1000 SEEDS

## 11. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

☐ 0 SEPTORIA ☐ 0 NET BLOTCH ☐ 0 SPOT BLOTCH ☐ 0 POWDERY MILDEW  
☐ 0 LOOSE SMUT ☐ 0 BACTERIAL BLIGHT ☐ 0 COVERED SMUT ☐ 0 FALSE LOOSE SMUT  
☐ 0 STEM RUST ☐ 0 LEAF RUST ☐ 0 SCAB ☐ 0 SCALD  
☐ 0 AY ☐ 0 BSMV ☐ 0 BYDV ☐ 0 OTHER (Specify)

## 12. INSECT: (0 = Not tested, 1 = Susceptible 2 = Resistant)

☐ 0 GREEN BUG ☐ 0 ENGLISH GRAIN APHID ☐ 0 CHINCH BUG ☐ 0 ARMYWORM  
☐ 0 GRASS HOPPERS ☐ 0 CERIAL LEAF BETTLE ☐ 0 OTHER (Specify)  
 HESSIAN FLY RACES ☐ 0 GP ☐ 0 A ☐ 0 B ☐ 0 C  
☐ 0 D ☐ 0 E ☐ 0 F ☐ 0 G

## 13. CHEMICAL (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

☐ DDT ☐ OTHER (Specify)

## 14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering	Arivat	Seed size	Arivat
Leaf size	Gus	Coleoptile elongation	California Mariout
Leaf color	Harlan	Seedling pigmentation	Harlan
Leaf carriage	Gus		

REFERENCES: The following publications may be used as a reference aid for the standardization of character descriptions and terms used in this form:

- Wiebe, G. A., and D. A. Reid, 1961, Classification of Barley Varieties Grown in the United States and Canada in 1958, Technical Bulletin No. 1224, U.S. Dept. of Agriculture.
- Reid, D. A., and G. A. Wiebe, 1968, Barley: Origin, Botany, Culture, Winter Hardiness, Genetics, Utilization, Pests, Agriculture Handbook No. 338, U.S. Dept. of Agriculture. pp. 61 - 84.
- Making Barley Improvement Association, Milwaukee, Wisconsin, 1971, Barley Variety Dictionary.

COLOR: Nickerson's or any recognized color fan may be used to determine color of the described variety.

8000092

Additional Description of Variety

"Poco" is more prone to plant color changes than all other varieties observed, especially lighter colors during cold weather and periods of high soil moisture.

The snakey appearance of the neck, as reported in Exhibit C, is weak.

ASSIGNMENT OF PLANT VARIETY PROTECTION RIGHTS

Anderson, Clayton & Co., a Delaware corporation, hereby agrees to have all rights associated with Plant Variety Protection Application, Number 8000092, "Poco", effective filing date April 18, 1980, transferred to Wilbur-Ellis Company. Said transfer of rights is effective October 5, 1983.

DATED January 30, 1984.

ANDERSON, CLAYTON & CO.

By Raaker  
Attorney-in-Fact

ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATE

For a valuable consideration, receipt of which is hereby acknowledged, the undersigned hereby grants, transfers and assigns to Germain's, Inc., a California corporation, all of its right, title and interest in and to Plant Variety Protection Certificate No. 8000092 for the variety of barley known as "Poco" and all of its right, title and interest in and to said variety.

Dated: June 8, 1987.

WILBUR ELLIS COMPANY

BY [Signature]

BILL OF SALE

For a valuable consideration, receipt of which is hereby acknowledge, the undersigned does hereby grant, bargain, sell and convey to Germain's, Inc., a California corporation, all of its right, title and interest including, without limitation, all of its plant variety protection rights, trademarks, trade-names, logo and other trade rights, and marketing and development rights in and to the variety of barley seed known as Poco and all research and research notes with respect thereto.

The undersigned hereby covenants, represents and warrants that it is the lawful owner of all such property; that it has the rights to sell the same; that such property is free from any liens, charges, encumbrances or security interests therein or thereon and that it will warrant and defend the title thereto against the lawful claims and demands of all persons.

Dated: May 15, 1987.

WILBUR-ELLIS COMPANY

BY 

LAW OFFICES  
**FRISENDA, QUINTON & NICHOLSON**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

JAMES A. QUINTON  
RESIDENT PARTNER

425 PARK AVENUE  
5TH FLOOR  
NEW YORK, NEW YORK 10022  
FAX: (212) 754-6262  
TELEPHONE: (212) 223-1005

11755 WILSHIRE BOULEVARD  
10TH FLOOR  
LOS ANGELES, CALIFORNIA 90025  
FAX (310) 479-6978  
TELEPHONE (310) 478-4540

February 3, 1997

Dr. Marsha A. Stanton  
Commissioner  
Plant Variety Protection Office  
NAL Building, Room 500  
10301 Baltimore Boulevard  
Beltsville, MD 20705-2351

Re: Plant Variety Protection Certificates  
Our File: 332-2

Dear Dr. Stanton:

Enclosed is an Assignment for Plant Variety Protection Certificates for recordation. Would you be so kind as to cross reference the assignment to the following Plant Variety Protection Certificates. The assignor is GERMAIN'S, INC. (a Delaware Corporation) 4782 East Jensen Avenue, Fresno, CA 93725 and the assignee is GERMAIN'S SEEDS, INC. (a Nevada Corporation) 2700 Sunset Road, Suite C-25, Las Vegas, NV 89120.

The Plant Variety Protection Certificates are listed as follows:

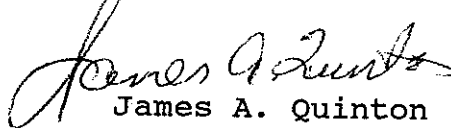
<u>NUMBERS</u>	<u>ISSUED</u>	<u>CROP &amp; VARIETY</u>
8200103	9/23/82	Wheat, Durum D-5003
8000092	5/31/85	Barley
7600079	12/20/76	Wheat, Common W-444
9300098	6/30/95	Cotton, Germain's GC-210
9300099	6/30/95	Germain's Acala GC-610

Kindly return the recorded assignments to the undersigned. Enclosed is a check in the sum of \$125.00 (\$25.00 per certificate) to cover the recordation fee for the certificates.

Dr. Marsha A. Stanton  
February 3, 1997  
Page 2

Please contact the undersigned if there is anything further  
that you may require.

Yours truly,

A handwritten signature in cursive script, appearing to read "James A. Quinton".

James A. Quinton

JAQ:sl  
Encls.

ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES

WHEREAS, GERMAIN'S, INC., a Delaware corporation with its principal place of business at 4782 East Jensen Avenue, Fresno, California 93725 ("Assignor") is the owner of the Plant Variety Protection Certificates set forth in the annexed Schedule;

WHEREAS, GERMAIN'S SEEDS, INC., a Nevada corporation with its principal place of business at 2700 Sunset Road, Suite C-25, Las Vegas, Nevada 89120 ("Assignee") is acquiring said Plant Variety Protection Certificates pursuant to the Purchase Agreement dated October 30, 1996 among Assignor and Assignee and certain other parties (the "Purchase Agreement");

NOW, THEREFORE, in consideration of the terms and conditions of the Purchase Agreement and other good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee all of Assignor's rights, title, and interest in and to the said Plant Variety Protection Certificates identified in the annexed Schedule.

Assignor further agrees that it will execute any other document or assignment reasonably required to perfect or record



ownership of the Plant Variety Protection Certificates.

Dated: November 16, 1996

GERMAIN'S, INC.

Seal

By J. Mulhall

Name: Denis Mulhall

Title: Chief operating Officer

Before me this 16th day of November, 1996, personally appeared Denis Mulhall to me personally known to be the Chief operating officer of GERMAIN'S, INC. who is described in and who executed the above instrument on behalf of GERMAIN'S, INC., and acknowledged to me that he executed the same by authority of the Board of Directors for the purpose therein set forth.

Michelle Nova

NOTARY PUBLIC

MICHELLE NOVA

NOTARY PUBLIC

MY COMMISSION EXPIRES FEB. 28, 2000

SCHEDULE

PLANT VARIETY PROTECTION CERTIFICATES

<u>NUMBER</u>	<u>ISSUED</u>	<u>CROP &amp; VARIETY</u>
8200103	9/23/82	Wheat, Durum D-5003
8000092	5/31/85	Barley
7600079	12/20/76	Wheat, Common W-444
9300098	6/30/95	Cotton Germain's GC-210
9300099	6/30/95	Germain's Acala GC-610